

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ASi Industries GmbH,)	
)	
Plaintiff,)	
)	
vs.)	
)	Case No. 4:06CV951 CDP
MEMC Electronic Materials, Inc.,)	
et al.,)	
)	
Defendants.)	

ORDER

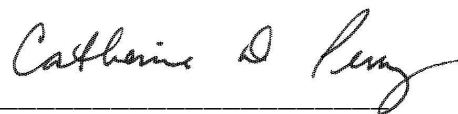
This matter is before the Court upon Defendant MEMC Electronic Materials, Inc.’s Motion to Voluntary Dismiss Without Prejudice Counts I, II, and III of its Counterclaim. The Motion is granted. With the granting of this motion, there is no counterclaim pending, and there are no claims by either party regarding patent infringement. I will therefore cancel the Markman hearing previously scheduled. As the only claims remaining in the case are claims for breach of contract, specific performance, and tortious interference with contract (Counts I, II, and IV of plaintiff’s complaint), the case has been greatly simplified, and it appears it could be ready for resolution much sooner than previously scheduled. I will therefore order the parties to meet and confer to determine if changes to the Case Management

Order – shortening the schedule – should be made.

Accordingly,

IT IS HEREBY ORDERED that defendants' motion to dismiss [#77] is granted, and Counts I, II, and III of MEMC Electronic's Counterclaim are dismissed without prejudice with each party to bear its own costs.

IT IS FURTHER ORDERED that the Markman hearing previously set for July 30 is cancelled, and the parties are ordered to meet and confer to determine if any other changes should be made to the Case Management Order. The parties are ordered to jointly report, in writing, no later than **July 11, 2007** whether any of the Case Management Order deadlines should be advanced.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 18th day of June, 2007.